

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HAROLD BETHUNE,)	
)	
Plaintiff,)	Civil Action No. 06-206J
)	
v.)	Judge Gibson
)	Magistrate Judge Caiazza
HOUTZDALE PRISON, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Harold Bethune's complaint pursuant to 42 U.S.C. §1983 was transferred to this Court from the United States District court for the Middle District of Pennsylvania on September 25, 2006, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on February 2, 2007, recommended that the Defendants' Motions to Dismiss be converted into Motions for Summary Judgment and be granted. The parties were allowed ten days from the date of service to file objections. The Plaintiff filed a "Brief and Amendments" on February 22, 2007 (Doc. 69) in which he repeats arguments made in his response to the Defendants' motions, and which the Court will treat as Objections.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the

objections filed, the following order is entered:

AND NOW, this 28th day of February, 2007,

IT IS HEREBY ORDERED that the Defendants' Motions to Dismiss (Docs. 41 and 51) are converted in Motions for Summary Judgment and are granted.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 68), dated February 2, 2007, is adopted as the opinion of the court.

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is stylized with large, sweeping letters.

Kim R. Gibson
U.S. District Court Judge

cc:
Harold Bethune
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